

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JUAN ANDRES GARCIA IBARRA,

Defendant.

CASE NO. 8:14CR303

TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report and Addendum (“PSR”), and the government’s objection to Paragraph 24 (Filing No. 22). Defense counsel expressed an objection to paragraph 35, which is noted in the Addendum to the PSR, but no objection was filed on ECF pursuant to the Order on Sentencing Schedule, ¶ 6 (Filing No. 19). The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The government's Objection to Revised Presentence Investigation Report (Filing No. 22) will be heard at the sentencing hearing, and the Court intends to adopt the parties' plea agreement;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the

submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 22nd day of April, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge